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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,222	07/30/2003	Charles D. Spellman	76306	3301

7590 09/09/2004
Office Of Counsel
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EXAMINER

MAYO III, WILLIAM H

ART UNIT PAPER NUMBER

2831

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,222	Applicant(s) <i>EA</i> SPELLMAN ET AL.	
	Examiner William H. Mayo III	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 13-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to because of the following informalities: Claim 13 contains the term "thereat", which is a misspelled word. The applicant should correct the term to state --threads--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Swenson (Pat Num 4,241,427). Swenson discloses a manufacturing step assembly (Figs 1-3) of a longitudinal section of a flexible cable useful in oceanographic work (Col 1, lines 5-10). Specifically, with respect to claim 1, Swenson discloses an interim manufacturing step subassembly of section of a flexible cable (12) comprising a longitudinal a core structure (center of cable) having a longitudinal axis and provided at its opposite end portions with cylindrical grip foundation surfaces (outside surface of left & right 32) concentric with said axis (center axis); a plurality of grip assemblies (left & right 32) at corresponding opposite ends (left and right) of said core structure (center of cable), wherein each grip assemblies (left and right 32) are of the type having at its

Art Unit: 2831

axially inwardly disposed end (i.e. tapered end, Fig 2), a Chinese-finger-toy-type cylindrical open-mesh-sleeve (20) concentric with said longitudinal axis (Fig 2), wherein the open-mesh-sleeve (20) of the respective grip assemblies (left and right 32) are fitted over the cylindrical outer surfaces of grip foundations (surfaces of left and right 32) at the corresponding ends (left and right ends) of the core structure (middle of the cable); and a set of at least three strength strands (22) to restrain the open-mesh-sleeves (20) of said one and another grip assemblies (left and right 32) to positions having a predetermined maximum distance of longitudinal separation (Fig 2), wherein said set of strength strands (22) are equi-angularly radially spaced in planes perpendicular to the longitudinal axis (Fig 2). With respect to claim 2, Swenson discloses that the opposite ends (top and bottom ends) of strength strands (22) of said set are made fast to the associated open mesh-sleeve (20); and the construction and arrangement by which the strength strands (22) are made fast to the associated open-mesh-sleeve (20) being such that the span of each strength strand (22) between the open-mesh-sleeve (20) of the one and other grip assemblies is taut (Col 3, lines 15-25). With respect to claim 7, Swenson discloses that the Chinese type finger type toy type open mesh sleeve (20) responding to attempted sliding withdrawal of the grip foundation surface (left and right surfaces of 32) from the open mesh sleeve (20) by radially constricting to increase the gripping force exerted upon the associated grip foundation surface (Col 3, lines 15-25). With respect to claim 8, Swenson discloses that the open mesh sleeve (20) of the grip assembly (left and right 32) comprises metal material (76) and the strength strands are made of non-metallic material (Col 3, lines 10-15). With respect to claim 9, Swenson

discloses that the non-metallic strands are made of aromatic polyimide fibers (i.e. nylon, Col 3, lines 10-15). With respect to claim 10, Swenson discloses that the core structure (inside of cable) includes a linearly extending energy transmission medium consisting of electrical wires (66, Fig 2). With respect to claim 11, Swenson discloses a method of fabricating a cable section assembly comprising providing a longitudinal core structure (center of cable) having a longitudinal axis and having an axial extending grip foundation surfaces (outside surface of left & right 32) at it opposite ends (left and right ends); providing a plurality of grip assemblies (left & right 32) which faces axially inwardly having a Chinese finger toy type open mesh cylindrical sleeve (20) having a predetermined diameter chosen to fit onto a grip foundation surface (outside surface of left and right 32) of the core structure (center of cable) end (left and right) of said core structure (center of cable), fitting respective open mesh sleeves (20) on the pair of grip assemblies (left and right 32) located on opposite ends of the core structure (Fig 2), connecting the sleeves (20) by a set of at least three strength strands to restrain the pair of grip assemblies to positions having a predetermined maximum distance of longitudinal separation wherein the set of strength members (top and bottom 22), wherein said set of strength strands (22) are equi-angularly radially spaced in planes perpendicular to the longitudinal axis (Fig 2). With respect to claim 12, Swenson discloses a method wherein prior to connecting the open mesh sleeve (20) causing that the opposite ends (top and bottom ends) of strength strands (22) of said set to be fast to the associated open mesh-sleeve (20); wherein the construction and arrangement by which the strength strands (22) are made fast to the associated open-mesh-sleeve (20)

being such that the span of each strength strand (22) between the open-mesh-sleeve (20) of the one and other grip assemblies is taut (Col 3, lines 15-25).

Allowable Subject Matter

4. Claims 16-18 are allowed.
5. Claims 3-6 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: This invention deals with a subassembly, wherein each strength strand of said set having a linear portion thereof proximate each of its ends which is interlaced in a longitudinal direction through a plurality of successive ones of an axially outward series of open the marginal end portion at said each of the ends of said each strand is tied to the associated open-mesh-sleeve (claim 3). This invention also deals with a method of for fabricating a cable section assembly comprising at each end portion of each strength strand of said set longitudinally interlacing a linear portion of the strand proximate to the end of the strand through a plurality of successive ones of an axially outwardly series of open spaces of the associated open-mesh-sleeves; and at said each end portion of the end of each strength strand tying the marginal end portion thereat to the associated open-mesh-sleeve (claim 13). This invention also deals with a microwave coaxial line section cable assembly of a type having a damage resistant outer sheath with the line further embedded in a filler of emollient liquid contained by the sheath comprising the

provision of an emollient liquid in said longitudinally extending annular space between the grip foundation collar through which the set of strength strands extend; and said outer sheath having a midsection coextensive with and around the portion of the coaxial line intermediate the grip foundation collars, and adjoining the opposite ends of the midsection having marginal end portions which extend axially outwardly the arrangement of said sets of strength strands made fast to the open-mesh- sleeves, which marginal end portions are attached to said cable-end grip assemblies with an emollient liquid sealing relationship thereto (claim 16). The above stated claim limitations, in combination with other claim limitations, is not taught or suggestion in the prior art of record.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Fidrych (Pat Num 3,672,006), Fisher et al (Pat Num 4,116,153), Kellems (Pat Num 1,670,543), and Fidrych (Pat Num 4,368,910), all of which disclose cable subassemblies.

Communication

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (571)-272-1978. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William H. Mayo III
Primary Examiner
Art Unit 2831

WHM III
August 30, 2004